

## REMARKS

### **1. Status of Claims**

Claims 1-46 are pending in the case. Claims 2-8, 30-37, 41 and 42 are currently amended. Support for the amendment of claim 37 can be found at original claim 37, paragraph 69 and throughout the specification. Support for the amendment of the remaining claims may be found at paragraph 66 and throughout the specification. Claim 38 is amended to indicate that the chlorine donor must be substantially non-leaching. Support for claim 38 as amended may be found at paragraphs 25, 53, 54 and 62 and throughout the specification. Claim 38 has also been amended to remove the term “bleach” since not all bleaches are chlorine donors. Chlorine bleaches however are also chlorine donors and are therefore not excluded from the scope of the amended claim.

### **2. The rejection of claim 37 under 35 U.S.C. 101 is overcome.**

The Action rejects claim 37 as resulting in an improper definition of a process for failure to set forth any steps involved in the process. Claim 37 has been amended to clarify that it is directed to a specific type of device and not to a process.

In light of the present amendment, Applicants request that the rejection of the claim 37 under 35 U.S.C. §112, second paragraph, be withdrawn.

### **3. The rejection of claim 37 under 35 U.S.C. 112, second paragraph, is overcome.**

The Action rejects claim 37 as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 37 has been amended to clearly recite a device comprising the composition of claim 15 that is suitable for use in an outdoor environment.

In light of the present amendment, Applicants request that the rejection of the claim 37 under 35 U.S.C. §112, second paragraph, be withdrawn.

**4. Claims 1-46 are not obvious over Piccini *et al.***

The Action maintains a rejection of claims 1-46 under 35 U.S.C. §103(a) as being unpatentable over Piccini *et al.* This rejection, as set forth in the Action mailed 12/1/2004, only points to the Piccini reference as being the source of the rejection and does not recite any other source as supplying elements of the claims that are not supplied by Puccini *et al.* The present Action, however, withdraws all rejections of the claimed invention as being anticipated by Piccini *et al.* In light of this, Applicants are uncertain how to respond further to the rejection of the claims under section 103(a) only in view of Puccini *et al.* Clarification as to the additional sources of limitations that contribute to this rejection under section 103(a) is respectfully requested.

The Action further states that specifically with regard to claims 2-8, 30-36, 41 and 42 the Action did not give patentable weight to those claims as being improperly drawn to intended use. MPEP 2111.02(II) states that “statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference . . . between the claimed invention and the prior art.” Applicants have amended those claims to clarify the structural differences between the devices claimed and to thereby overcome any allegation that the claims are improperly drawn to intended use.

In light of the foregoing, Applicants respectfully request either that the rejection be withdrawn or that clarification be supplied as to what other sources are being used to supply

elements of the claims not taught by Piccini *et al.* so that Applicants can understand the basis for the rejection.

**5. Claims 1-46 are not obvious over Piccini *et al.* in view of Wang *et al.***

The present Action provides a new basis for rejection of the claims under 35 U.S.C. §103(a) as being unpatentable over Piccini *et al.* in view of Wang *et al.* The Action states that Piccini *et al.* teach “wet wipe compositions useful for cleansing, disinfecting, and providing a pleasant scent. Wang *et al.* is said to disclose absorbent articles, “such as wet wipes,” comprising an absorbent core further comprising a superabsorbent material. The Action further argues that it would have been obvious to one of skill in the art to combine the prior art references in order to arrive at the instantly claimed invention.

Claim 1 requires a composition comprising “a polymeric odor-mitigating reagent . . . wherein the polymeric odor-mitigating reagent is substantially non-leaching.” Neither Piccini *et al.* nor Wang *et al.* disclose polymer odor-mitigating reagents. Further, neither reference discloses odor-mitigating reagents that are substantially non-leaching.

There is no evidence that the reagents used in the wet wipes disclosed by Puccini *et al.* were designed to be non-leaching. Indeed, such non-leaching reagents would be contrary to the generally accepted use of a wet wipe, which is in part to exude a cleansing and disinfecting solution onto a surface in need of cleaning. Nor is there any evidence that the reagents taught by Puccini *et al.* are polymeric in structure.

Wang *et al.* cannot overcome the deficiencies in the Puccini reference because the Wang reference makes no disclosure with regard to odor-mitigating reagents whatsoever, whether leaching or non-leaching.

Therefore, Applicants respectfully assert the combination of Puccini *et al.* and Wang *et al.* do not supply a *prima facie* case of obviousness against claim 1 and its dependent claims because they do not teach each and every limitation of the claims.

With regard to claims 15, 38 (as amended) and 43 and their dependent claims, all of these claims require an odor-mitigating reagent that is substantially non-leaching. In addition, dependent claim 21 further requires that the odor-mitigating reagent be polymeric. Therefore, for the same reasons as recited above for claim 1 and its dependent claims, the combination of the Puccini and Wang references fails to supply a *prima facie* case of obviousness against claim 15 or 43 and their dependent claims.

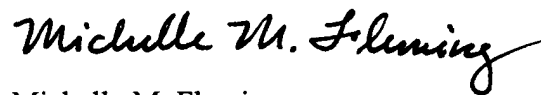
In light of the foregoing, Applicants respectfully request that the rejection of the claims as unpatentable under 35 U.S.C. §103(a) over Puccini *et al.* in view of Wang *et al.* be withdrawn.

## **6. Conclusion**

Applicants submit that the current response addresses all of the Examiner's concerns and places the claims in condition for allowance. An early indication to that effect is solicited. If the Examiner has any questions or any suggestions that will help the application more quickly proceed to allowance, a telephone call to the undersigned at (512) 542-8441 is welcomed.

No fees are believed to be due with the filing of this paper, however, should any fees be deemed to be due, the Commissioner is authorized to deduct the fees from Vinson & Elkins, LLP Deposit Account No. 22-0365/SLP100/55000/4-5US.

Respectfully submitted



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